

## **SECTION 13: ENFORCEMENT AGAINST INSPECTION STATIONS AND INSPECTORS**

### **13.1 SUMMARY**

The DPS has the authority to take enforcement actions against licensed stations and inspectors whenever necessary using a consistent penalty schedule that is updated as needed. The penalty schedule is categorized as being either an administrative violation or an inspection violation (see LAC 55:III.Chapter 7, Appendix F). The penalties range from a minimum of \$25 per administrative violation and a minimum of \$50 per inspection violation up to a maximum of \$1000 per violation. In many cases, because of the number of possible violations listed in the penalty schedule, a single moment of incompetence can lead to multiple violations and fines being levied.

### **13.2 IMPOSITION OF PENALTIES**

Violations may be discovered during and after any overt, covert, data records audit, or consumer complaint. Upon discovery of a violation, the station is issued a Violation Warning Notice. The office completes a written report and a civil penalty is imposed. Upon approval by the section commander, the penalty is served to the station. The station has 10 days to appeal the fine under the Administrative Procedures Act (LA R.S. 49:950 et seq., Appendix B) and request an administrative hearing. If there is no appeal, the fine must be paid within 30 days. The station may be allowed to continue operating as an inspection station throughout this process. If the fine is not paid within 30 days, the station can be immediately closed.

### **13.3 LEGAL AUTHORITY**

The legal authority for imposing civil penalties after due process is provided by LA R.S. 32:1312 (Appendix B), which allows for a civil penalty of not more than \$1000 for each act that is in violation of statutory provisions relative to the operation of an official inspection station, the conduct of a vehicle inspector, or any rule adopted under the statutory provisions by LA R.S. 32:1310 (Appendix B) and allows for fines and/or imprisonment upon conviction.

The DPS also has authority to suspend a station immediately and temporarily prior to providing an administrative hearing when it is determined that a station has violated any of the

provisions of LAC 55:III.Chapter 8 (Appendix F). For failure to have the proper equipment, a station may be temporarily closed and not allowed to inspect until the equipment has been located, repaired, or replaced. Legal authority for the revocation of station or inspector permits after due process is provided by LA R.S. 32:1301-1314 (Appendix B). LAC 55:III.Chapter 7 (Appendix F) states in part that any violation of the inspection law, rules, regulations, and/or procedures committed by an authorized inspector may result in a civil penalty being imposed and could result in the suspension or permanent revocation of his inspection privileges and is subject to prosecution by law. The DPS maintains records of all warnings, civil fines, suspensions, revocations, and violations and compiles statistics on violations and penalties annually.